

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10374-DPW  
 )  
 EDUARDO RODRIGUEZ )

ASSENTED-TO MOTION TO CONTINUE TRIAL

The government respectfully moves, with the assent of the defendant, to continue the trial currently scheduled for October 2, 2006 to a date no earlier than October 16, 2006. As grounds therefor, the government states its understanding that the defendant's effort in state court to challenge one of his prior convictions is still pending. If said challenge is successful, the parties believe that the defendant will no longer be eligible for treatment as an Armed Career Criminal, and that the case might well be resolved by plea, thereby avoiding trial and conserving the resources of the parties and the Court. As further grounds therefor, the government states that undersigned counsel, who is responsible for the prosecution of this matter, expects to start trial on September 25, 2006 in the matter styled United States v. Harry Guzman, Criminal No. 04-10186-JLT, and that said trial may well still be in progress on October 2, 2006.

The defendant, through counsel, has expressed his assent to the allowance of this motion to continue the trial.

The government further respectfully moves that the Court find that the ends of justice served by allowing such

continuance, which, as stated above, may serve to conserve judicial resources, outweigh the best interests of the defendant and the public in a speedy trial, and that the extent of said continuance should be excluded from the period of time within which this case would otherwise have to be tried pursuant to 18 U.S.C. § 3161(h)(8)(A).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/Robert E. Richardson  
ROBERT E. RICHARDSON  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
September 11, 2006

I, ROBERT E. RICHARDSON, hereby certify that I have caused a true copy of the foregoing to be served by electronic filing on E. Peter Parker, Esq., counsel of record for defendant Eduardo Rodriguez.

/s/ Robert E. Richardson  
ROBERT E. RICHARDSON  
Assistant U.S. Attorney